

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 21, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-18655 - APPLICANT: T-MOBILE USA, INC. - OWNER: BERKE ENTERPRISES, LTD., L.P.

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan and elevation, date stamped 12/11/06, except as amended by conditions herein.
3. The wireless communications facility and its associated equipment and screening shall be properly maintained and kept free of graffiti at all times by the monopole owner. Failure to perform the required maintenance may result in fines and/or removal of the facility and its associated equipment. If abandoned, the property owner must obtain a demolition permit to remove the equipment within 30 days of abandonment. All equipment must then be removed within six months after operations at the site cease.
4. The proposed eight (8) foot block wall surrounding the equipment enclosure shall include; a minimum of twenty percent contrasting material and conform to Title 19.08 perimeter wall requirements. No barbed or razor wire shall be used.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. The proposed wireless communications tower shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The tower base shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a Special Use Permit for a Wireless Communication Facility, Stealth Design at 1501 East Charleston Boulevard.

The proposed wireless communication facility, stealth design is an 80-foot tall tower with a “monopalm” (palm tree disguising the tower) design. The proposed wireless communications monopalm facility will be located adjacent to the C-V (Civic District) zoned City of Las Vegas property along the northern portion of the eastern property line. The site meets the base conditions for this type of use and is compatible with its surroundings. Therefore approval is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 04/12/99 | The City Council approved a Special Use Permit (U-0015-99) to allow a pawn shop use at 1501 East Charleston Boulevard. The Planning Commission and Staff recommended approval. |
| 06/07/00 | The City Council approved a Required one-year Review [U-0015-99(1)] for a pawn shop use at 1501 East Charleston Boulevard. The Planning Commission and Staff recommended approval. |
| 07/18/01 | The City Council approved a Required one-year Review [U-0015-99(2)] for a pawn shop use at 1501 East Charleston Boulevard. The Planning Commission and Staff recommended approval. |
| 01/25/07 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #14/rts). |
| 01/24/00 | A building permit application, plan check C-5-99, was submitted 04/22/99. The permit was issued 09/29/99. The Planning and Development Department review began 04/30/99 and recorded approval on 07/20/99. A project completion date was recorded by the Department of Building and Safety. |
| 06/28/05 | A business license for a C22 (Check Cashing Service w/gross - A company who (for a fee) will provide currency or a negotiable instrument in exchange for a check. Check Cashing and Deferred Deposit Services. Does not include Installment Loans) category license was processed in by the Department of Finance and Business Services. This license (C22-00031) was approved by the Planning and Development Department on 06/30/05 and issued by Business Services on 07/05/05. |
| <i>Pre-Application Meeting</i> | |
| 12/06/06 | A pre-application meeting was held and elements of this application were discussed. It was noted that two sets of photo simulations are required in addition to the standard elevations. Submittal requirements were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required nor was one held. | |

| <i>Details of Application Request</i> | |
|--|-----|
| <i>Site Area</i> | |
| Net Acres | 1.0 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|------------------------------------|---------------------------|---------------------------------------|
| Subject Property | Pawn Shop | C (Downtown - Commercial) | C-1 (Limited Commercial) |
| North | Government Facility (Fire Station) | PF (Public Facilities) | C-V (Civic District) |
| South | Financial Institution, Specified | C (Downtown - Commercial) | C-1 (Limited Commercial) |
| | Parking | C (Downtown - Commercial) | C-2 (General Commercial) |
| East | Government Facility (Fire Station) | PF (Public Facilities) | C-V (Civic District) |
| | Parking | C (Downtown - Commercial) | C-2 (General Commercial) |
| West | General Retail, Other Than Listed | C (Downtown - Commercial) | C-1 (Limited Commercial) |
| | Office, Other Than Listed | O (Office) | P-R (Professional Office and Parking) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | | |
| Redevelopment Plan Area | X | | Y |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | n/a |
| Trails | | X | n/a |
| Rural Preservation Overlay District | | X | n/a |
| Development Impact Notification Assessment | | X | n/a |
| Project of Regional Significance | | X | n/a |

DEVELOPMENT STANDARDS

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

| Wireless Communication Facility, Stealth Requirements | Provided | Compliance |
|---|--|-------------------|
| No residential use may exist on the property. | No residential uses exist on the property | Yes |
| The design must conform to the definition of “Wireless Communication Facility, Stealth Design” as set forth in Title 19.20 and the Director. | The facility is designed to look like a palm tree, with the antennas hidden by the palm’s “fronds” | Yes |
| The design and location of the facility must be deemed by the Director to be compatible with the surrounding area and the facility must include appropriate screening and landscaping to ensure such compatibility. | The proposed facility is appropriately screened and is compatible with the surrounding area | Yes |
| The frequencies used by the provider shall be in conformance with FCC standards as certified by a competent professional. | The applicant asserts that the frequencies are in conformance with FCC standards | Yes |

ANALYSIS

The subject site is located in the Southeast Sector of the General Plan. The site is designated C (Downtown - Commercial) on the Redevelopment Plan map of the General Plan. The proposed development is in compliance with the C (Downtown - Commercial) designation. This category allows commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use designations. The property is the site of an existing commercial structure and the existing C-1 (Limited Commercial) zoning designation conforms to the C (Downtown - Commercial) land use category.

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the Wireless Communication Facility, Stealth Design use; however, no residential use may exist on the property. Since the existing site is a commercial property currently used for a pawn shop use, this condition is met. There is an existing Wireless Communication Facility located approximately 490 feet west of the subject site. This existing facility is within the Nevada Power Substation.

The subject site is zoned C-1 (Limited Commercial). Wireless Communication Facilities are permitted uses in this zoning district, subject to an administrative level staff review. This project was initially approved by Staff as a part of the review of an Administrative Site Development Plan Review (SDR-17209). However, per Title 19.18.050 (F) (3), a review of this project has been requested by the City Council and therefore a special use permit must be reviewed and approved for this use to locate on the subject site.

The subject site is located within the Redevelopment Plan Area. It is bound by C (Downtown - Commercial) designated land to the west and south and is bound by PF (Public Facility) designated land to the north. To the east it is bound by C (Downtown - Commercial) and PF (Public Facility) designated land.

The proposed Wireless Communications Facility is an 80-foot tall stealth-designed “monopalm,” or tower disguised as a palm tree. It is proposed to be located on the eastern side of a C-1 (Limited Commercial) zoned parcel. The structure extends to 76 feet, where the arrays of the antennas each are attached; the “fronds” of the artificial tree extend to 80 feet. An eight-foot block wall is proposed for screening of the facility and will require a separate permit if approved. The proposed monopalm, due to the stealth design, is compatible with the surrounding area.

If approved, the facility must conform to the site plan as submitted on 12/11/06, which shows the height of the proposed structure and the antennas. If abandoned in the future, the entire facility must be removed within six months of abandonment.

Conditions

Pursuant to Title 19.04, the following base conditions apply to a Wireless Communication Facility, Stealth Design use.

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:
 - a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
 - b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is no subject to appeal.
2. No residential use may exist on the property.
3. The design must conform to the definition of the term “Wireless Communications Facility, Stealth Design,” as set forth in Section 19.20.020 and as determined by the Director.

4. Within an area designated as a Historic Preservation District, the proposed facility must be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The stealth designed facility meets Title 19 requirements for this use. While the facility is taller than other trees in the area, it is not obtrusive and is therefore compatible with surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

There are no physical constraints to the location and intensity of the proposed use on the subject site. The site is large enough to accommodate the facility without it being unduly noticeable from the surrounding properties. Parking will be minimally affected by the loss of four spaces but will not become parking impaired as a result of this project.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

This requirement is not applicable because the wireless communication tower will not attract additional traffic to the site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Wireless Communication Facility, Stealth Design use on this site will not compromise the public health, safety, and welfare because the use must be constructed in compliance with applicable building codes and thus is subject to inspections for compliance with these codes.

5. The use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 315 by City Clerk

APPROVALS 0

PROTESTS 0